



DEP LREF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re PATENT APPLICATION OF

Confirmation No.: 7234

Bruce HOFF

Group Art Unit: 1631

Appln. No.: 10/091,660

Examiner: Mary K. Zeman

Filed: March 5, 2002

Title: METHOD AND APPARATUS FOR GROUPING PROTEOMIC AND GENOMIC SAMPLES

**REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

**I. REFUND REQUEST**

This is a request for a refund with respect to the charge to Deposit Account 033975 on December 7, 2004 for the above-identified application.

**II. FEES CHARGED FOR WHICH REFUND REQUESTED**

The amount of refund requested is \$765 for Four Month Extension of Time.

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

Applicant is a small entity and the fees charged by the USPTO were at the large entity rate of \$1,530. Copies of the following documents are attached:

- 1) the Deposit Account Statement showing erroneous \$1,530 charge;
- 2) the Extension of Time as filed December 6, 2004 indicating the small entity amount of \$765; and
- 3) the March 3, 2002 application transmittal form indicating small entity status.

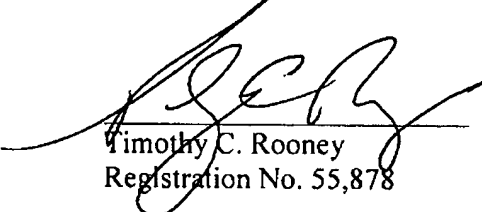
**IV. MANNER OF REFUND**

Please make refund by crediting Account No. 033975.

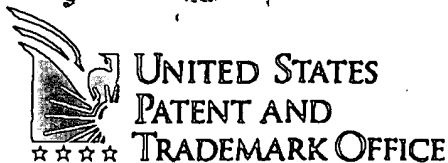
Dated: September 13, 2006

Respectfully submitted,

Customer Number 00909

  
Timothy C. Rooney  
Registration No. 55,878

Pillsbury Winthrop Shaw Pittman LLP  
1650 Tysons Blvd.  
McLean, VA 22102  
(703) 770-7939



# COPY

## MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

PILLSBURY WINTHROP LLP

FINA

1600 TYSONS BOULEVARD

MCLEAN VA 22102

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

|             |          |
|-------------|----------|
| Account No. | 033975   |
| Date        | 12-30-04 |
| Page        | -13----  |

PLEASE SEND REMITTANCES TO:  
U. S. Patent and Trademark Office  
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Chicago, IL 60673

| DATE POSTED  |     |     | CONTROL NO. | DESCRIPTION<br>(Serial, Patent, TM, Order) | DOCKET NO.      | FEE CODE      | CHARGES/<br>CREDITS | BALANCE         |
|--|-----|-----|-------------|--|-----------------|---------------|---------------------|-----------------|
| MO.  | DAY | YR. |             |  |                 |               |                     |                 |
| 12   | 6   | 04  | 514         | 10036371                                   | P284960         | 2501          | 685.00              | 190694.00       |
| 12   | 6   | 04  | 515         | 10036371                                   | P284960         | 1504          | 300.00              | 190394.00       |
| 12   | 6   | 04  | 516         | 10204322                                   | P292660         | 1501          | 1370.00             | 189024.00       |
| 12   | 6   | 04  | 517         | 10203902                                   | P 284444        | 1501          | 1370.00             | 187654.00       |
| 12   | 6   | 04  | 548         | 10613094                                   | P304773         | 1501          | 1370.00             | 186284.00       |
| 12   | 6   | 04  | 549         | 10613094                                   | P304773         | 1504          | 300.00              | 185984.00       |
| 12   | 6   | 04  | 550         | 10613094                                   | P304773         | 8001          | 9.00                | 185975.00       |
| 12   | 6   | 04  | 605         | 6279384                                    |                 | 8021          | 40.00               | 185935.00       |
| 12   | 6   | 04  | 876         | 78527198                                   | 99903/9800272   | 7001          | 335.00              | 185600.00       |
| 12   | 6   | 04  | 1364        | 78527408                                   | 8822/313550     | 7001          | 335.00              | 185265.00       |
| 12   | 7   | 04  | 1           | E-REPLENISHMENT                            |                 | 9203          | -27250.00           | 212515.00       |
| 12   | 7   | 04  | 2           | E-REPLENISHMENT                            |                 | 9203          | -40963.00           | 253478.00       |
| 12   | 7   | 04  | 3           | 10069061                                   |                 | 1801          | 790.00              | 252688.00       |
| 12   | 7   | 04  | 5           | 09744015                                   | PM276617        | 1201          | 1056.00             | 251632.00       |
| 12   | 7   | 04  | 6           | 09744015                                   | PM276617        | 1251          | 110.00              | 251522.00       |
| 12   | 7   | 04  | 8           | 11003197                                   | AIC-102.2 (C)   | 2001          | 395.00              | 251127.00       |
| 12   | 7   | 04  | 9           | 11003197                                   | AIC-102.2 (C)   | 2201          | 748.00              | 250379.00       |
| 12   | 7   | 04  | 16          | 10091660                                   | BD1002          | 1254          | 1530.00             | 248849.00       |
| 12   | 7   | 04  | 36          | 10091360                                   | 9952-042-999    | 1806          | 180.00              | 248669.00       |
| 12   | 7   | 04  | 48          | 10516266                                   | 020826-0313799  | 1613          | 950.00              | 247719.00       |
| 12   | 7   | 04  | 49          | 10516266                                   | 020826-0313799  | 1614          | 88.00               | 247631.00       |
| 12   | 7   | 04  | 76          | 11003426                                   | 008312-0313906  | 1001          | 790.00              | 246841.00       |
| 12   | 7   | 04  | 102         | 10951034                                   | 008312-0312361  | 1001          | 790.00              | 246051.00       |
| 12   | 7   | 04  | 103         | 10951034                                   | 008312-0312361  | 1051          | 130.00              | 245921.00       |
| 12   | 7   | 04  | 104         | 10947404                                   | 008313-0312258  | 1001          | 790.00              | 245131.00       |
| 12   | 7   | 04  | 105         | 10947404                                   | 008313-0312258  | 1051          | 130.00              | 245001.00       |
| 12   | 7   | 04  | 106         | 10947404                                   | 008313-0312258  | 1201          | 176.00              | 244825.00       |
| 12   | 7   | 04  | 125         | 60632938                                   | 020826-0313953  | 1005          | 160.00              | 244665.00       |
| 12   | 7   | 04  | 126         | 09580904                                   | 23542-110       | 1801          | 790.00              | 243875.00       |
| 12   | 7   | 04  | 127         | 09580904                                   | 23542-110       | 1201          | 176.00              | 243699.00       |
| 12   | 7   | 04  | 128         | 10945262                                   | 008312-0312153  | 1001          | 790.00              | 242909.00       |
| 12   | 7   | 04  | 128         | 09580904                                   | 23542-110       | 1202          | 72.00               | 242837.00       |
| 12   | 7   | 04  | 129         | 10945262                                   | 008312-0312153  | 1051          | 130.00              | 242707.00       |
| 12   | 7   | 04  | 129         | 09580904                                   | 23542-110       | 1252          | 430.00              | 242277.00       |
| 12   | 7   | 04  | 130         | 10943208                                   | 008312-0312008  | 1001          | 790.00              | 241487.00       |
| 12   | 7   | 04  | 131         | 10943208                                   | 008312-0312008  | 1051          | 130.00              | 241357.00       |
| AN AMOUNT SUFFICIENT TO<br>COVER ALL SERVICES REQUESTED<br>MUST ALWAYS BE ON DEPOSIT |     |     |             |  | OPENING BALANCE | TOTAL CHARGES | TOTAL CREDITS       | CLOSING BALANCE |



03-07-02

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

|                        |   |
|------------------------|---|
| Attorney Docket No.    | BDI002  |
| First Inventor         | Hoff  |
| Title                  | Method and Apparatus for Grouping Proteomic and Genomic Samples |
| Express Mail Label No. | ET574107847US   |

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Select an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 31]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
5. Oath or Declaration [Total Pages 2]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  1. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS) PTO-1449
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. \_\_\_\_\_ / \_\_\_\_\_

Prior application information:

Examiner \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label \_\_\_\_\_ or ☒ Correspondence address below

|         |                                  |           |                |          |               |
|---------|----------------------------------|-----------|----------------|----------|---------------|
| Name    | Tope-McKay & Associates          |           |                |          |               |
|         | 23852 Pacific Coast Highway #311 |           |                |          |               |
| Address |                                  |           |                |          |               |
| City    | Malibu                           | State     | CA             | Zip Code | 90265         |
| Country | USA                              | Telephone | (310) 589-8158 | Fax      | (310) 9432736 |

|                   |                    |                                   |               |
|-------------------|--------------------|-----------------------------------|---------------|
| Name (Print/Type) | Cary R. Tope-McKay | Registration No. (Attorney/Agent) | 41,350        |
| Signature         |                    | Date                              | March 3, 2002 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



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FILE 1631

PTO/SB/22 (10-94)

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|  |                                  |  |                         |
|--|----------------------------------|--|-------------------------|
| <b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b><br>FY 2005<br>(fees effective on or after October 1, 2004)   |                                  | Docket Number (Optional)<br>016472-0311714                         |                         |
| Application Number<br>10/091,660   |                                  | Filed<br>March 5, 2002   |                         |
| For <b>METHOD AND APPARATUS FOR GROUPING PROTEOMIC AND GENOMIC SAMPLES</b>   |                                  |  |                         |
| Art Unit<br>1631   |                                  | Examiner<br>Marianne P. Allen                                      |                         |
| This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.<br>The requested extension and appropriate non-small-entity fee are as follows (check time period desired): |                                  |  |                         |
|  |                                  | <u>Fee</u>   | <u>Small Entity Fee</u> |
| <input type="checkbox"/>   | One month (37 CFR 1.17(a)(1))    | \$110  | \$55                    |
| <input type="checkbox"/>   | Two months (37 CFR 1.17(a)(2))   | \$430  | \$215                   |
| <input type="checkbox"/>   | Three months (37 CFR 1.17(a)(3)) | \$980  | \$490                   |
| <input checked="" type="checkbox"/>  | Four months (37 CFR 1.17(a)(4))  | \$1530   | \$765                   |
| <input type="checkbox"/>   | Five months (37 CFR 1.17(a)(5))  | \$2080   | \$1040                  |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is <u>\$ 765.00</u> .   |                                  |  |                         |
| <input type="checkbox"/> A check in the amount of the fee is enclosed.   |                                  |  |                         |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.  |                                  |  |                         |
| <input type="checkbox"/> The Director has already been authorized to change fees in this application to a Deposit Account.   |                                  |  |                         |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>033975</u> .   |                                  |  |                         |
| I have enclosed a duplicate copy of this sheet.  |                                  |  |                         |
| I am the <input type="checkbox"/> applicant/inventor.  |                                  |  |                         |
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.<br>Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).   |                                  |  |                         |
| <input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>43,195</u>   |                                  |  |                         |
| <input type="checkbox"/> attorney or agent under 37 CFR 1.34(a).<br>Registration number if acting under 37 CFR 1.34(a) _____   |                                  |  |                         |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.   |                                  |  |                         |
| <u>December 6, 2004</u><br>Date  |                                  | <u>[Signature]</u><br>Signature                                    |                         |
| <u>(703) 905.2120</u><br>Telephone Number  |                                  | <u>Rick A. Toering</u><br>Reg. No. 43,195<br>Typed or printed name |                         |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.  |                                  |  |                         |
| <input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.   |                                  |  |                         |

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

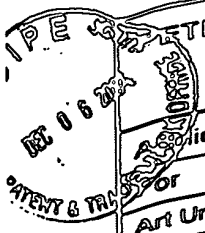
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**APPLICATION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**  
FY 2006  
(fees effective on or after October 1, 2004)

Application Number: 10/091,660  
Filed: March 5, 2002

**METHOD AND APPARATUS FOR GROUPING PROTEOMIC AND GENOMIC SAMPLES**

Art Unit: 1631  
Examiner: Marianne P. Allen

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.  
The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

|   | Fee    | Small Entity Fee |             |
|---|--------|------------------|-------------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1))              | \$110  | \$55             | \$ _____    |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2))             | \$430  | \$215            | \$ _____    |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3))           | \$980  | \$490            | \$ _____    |
| <input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$1530 | \$765            | \$ 1,530.00 |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5))            | \$2080 | \$1040           | \$ _____    |

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 765.00
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to change fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 033975.
- I have enclosed a duplicate copy of this sheet.

- I am the ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).
- ☒ attorney or agent of record. Registration Number 43,195
- ☐ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

December 6, 2004  
Date

(703) 905.2120  
Telephone Number

Signature

Rick A. Toering  
Reg. No. 43,195  
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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Adjustment date: 09/21/2006 ZIUHAR1  
12/07/2004 NROCHA1 00000010 033975 10091660  
01 FC:1254 1530.00 CR  
09/21/2006 ZIUHAR1 00000006 033975 10091660  
01 FC:2254 765.00 DA

12/07/2004 NROCHA1 00000010 033975 10091660  
01 FC:1254 1530.00 DA